

Melissa A. Hornbein  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
(406) 708-3058  
hornbein@westernlaw.org

Shiloh S. Hernandez  
Earthjustice  
Northern Rockies Office  
313 East Main Street  
P.O. Box 4743  
Bozeman, MT 59772-4743  
(406) 586-9692 ext. 1929

*Counsel for Plaintiffs*

Samantha Ruscavage-Barz (NM Bar  
#23276)  
WildEarth Guardians  
301 N. Guadalupe At., Ste. 201.  
Santa Fe, NM 87501  
(505) 401-4180  
sruscavagebarz@wildearthguardians.org  
*Admitted pro hac vice*

*Counsel for Plaintiff WildEarth  
Guardians*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

WILDEARTH GUARDIANS and  
MONTANA ENVIRONMENTAL  
INFORMATION CENTER,

Plaintiffs,

vs.

DEB HAALAND, et al.,

Defendants.

Case No. CV 17-80-BLG-SPW-TJC

**DECLARATION**

**OF DAVID ALAN SCHLISSEL**

I, David Alan Schlissel, in accordance with the requirements of 28 U.S.C. § 1746 hereby declare:

1. I graduated from the Massachusetts Institute of Technology in 1968 with a Bachelor of Science Degree in Engineering. In 1969, I received a Master of Science Degree in Engineering from Stanford University. In 1973, I received a Law Degree from Stanford Law School. In addition, I studied nuclear engineering at the Massachusetts Institute of Technology during the years 1983-1986.

Since 1983 I have been retained by governmental bodies, publicly owned utilities, and private organizations in 38 states to prepare expert testimony and analyses on engineering, economic, and financial issues related to electric utilities. This work included the impact of emitting CO<sub>2</sub>e emissions from coal-fired power plants. My clients have included state utility commissions, attorneys general, consumer advocates, publicly owned utilities, the U.S. Department of Justice, and local, national and international environmental and consumer organizations.

I have filed expert testimony before state regulatory commissions in Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin; before the U.S.

Federal Energy Regulatory Commission and Atomic Energy Commission; and in federal and state court proceedings.

2. Calculating the social cost of carbon (SCC) is an accepted methodology for monetizing the impacts of greenhouse gas (GHG) emissions. The U.S. Government's Interagency Working Group on the Social Cost of Greenhouse Gases developed the SCC to have a standard measure to assess the impacts associated with each additional ton of CO<sub>2</sub> emissions. The SCC is based on decades of scientific research and is the most accessible means of assessing the impacts of CO<sub>2</sub> emissions. The SCC estimates the impacts to agricultural productivity, impacts to human health, property damage from flooding, and reductions in ecosystem services among other impacts, among other impacts.
3. According to the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement's Environmental Assessment for the Spring Creek Mine for Federal Coal Lease MTM-94378, the total estimated annual CO<sub>2</sub> equivalent (CO<sub>2</sub>e) emissions for the Spring Creek Mine is 31,065,872 metric tons per year.<sup>1</sup>
4. The Interagency Working Group on the Social Cost of Greenhouse Gases has recently calculated a social cost of carbon that has a mid-value that rises from \$51 per metric ton of CO<sub>2</sub>e in 2020, in 2020 dollars, to \$56 per metric ton in 2025,

---

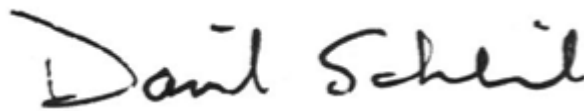
<sup>1</sup> U.S. Department of the Interior & U.S. Office of Surface Mining, Environmental Assessment Spring Creek Mine Big Horn County, Montana Mining Plan Modification for Federal Coal Lease MTM-94378, at 4-16 (2016). AR:2-664-10710.

also in 2020 dollars.<sup>2</sup> The high end of the range of social costs estimated by the Interagency Working Group, is more than three times as high, climbing from \$152 per metric ton in 2020 to \$169 in 2025, both in 2020 dollars.

5. Using the Interagency Working Group's mid-values, the annual social cost of carbon of the 31,065,872 metric tons of CO<sub>2</sub>e estimated to be produced annually from the coal produced at the Spring Creek Mine would grow from \$1.58 billion in 2020 to \$1.74 billion in 2025, both in 2020 dollars. Using the high end of Interagency Working Group's social costs of carbon, the annual social cost of the CO<sub>2</sub>e emissions from the Mine's coal would grow from \$4.72 billion in 2020 to \$5.25 billion in 2025, both in 2020 dollars.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: August 17, 2021.



David Alan Schlissel

---

<sup>2</sup> Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide, Interim Estimates under Executive Order 13990, at 5 (Feb. 2021), *available at* [https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument\\_SocialCostofCarbonMethaneNitrousOxide.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf).